

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 V.) CRIMINAL ACTION:04-10197-MLW
)
 JUAN RIVERA ALVARADO)

DISMISSAL OF INDICTMENT

The United States of America, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, hereby dismisses without prejudice the indictment against JUAN RIVERA ALVARADO.

As grounds for the dismissal, the undersigned states the following:

The Defendant was indicted on July 7, 2004 for violations of 8 U.S.C. §1326(a) (illegal re-entry by deported alien) and 18 U.S.C. §1028(a)(6) (possession of fraudulent identification documents). The government moved for detention of the defendant pursuant to 18 U.S.C. §3142(f)(2)(a). The government advised that the Defendant would be subject to deportation if released and that his deportation would result in his unavailability for prosecution and trial. However, the Magistrate Judge released the defendant.

After the Defendant's release from Marshal's custody, the Defendant was subject to a detainer from Immigration and Customs Enforcement. Defendant, having been previously deported, was subject to reinstatement of his prior removal order.

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On September 10, 2004, the defendant was deported from the United States pursuant to the Warrant of Deportation and is not available for his trial.

Respectfully submitted,

/s/Michael J. Sullivan

MICHAEL J. SULLIVAN

United States Attorney

October ~~23~~ 2004

Leave To File Granted:

Charles S. Wolf

MARK L. WOLF

United States District Judge

Date: Oct. 22, 2004